

~~Copy Duprey~~  
~~Copy Shannon~~  
~~Copy Bob as appropriate~~  
Assigned  
Attn: Price



CONTROL SLIP FOR OFFICE OF CONGRESSIONAL CORRESPONDENCE

SF FILE NUMBER  
FILE PLAN  
2.0

FYE  
Robert Duprey  
8HWM

CONTROL NO : AL923768  
FROM : OWENS, WAYNE D/OT  
HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515

Copy to:

- Reed
- McLane
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- Frell/Oberly

DUE DATE: 08/24/92  
CORRES. DATE: 08/04/92  
RECEIVED: 08/07/92  
ASSIGNED: 08/07/92

SALUTATION : DEAR MR. OWENS:

CONSTITUENT :

SUBJECT : MEETING SEPTEMBER 15/EPA'S PROPOSAL TO LIST/RICHARDSON FLAT  
TAILINGS SITE ON THE NATIONAL PRIORITIES LIST/SHARON  
STEEL/MIDVALE TAILINGS SITE

\*  
H.Q. to see if we need to prepare  
briefing papers and/or attend.  
Please drop me + Duprey a  
note as soon as possible, he  
may want to attend at least  
least be on premeeting  
conf. call.

SIGNATURE : ASSISTANT ADMINISTRATOR

COURTESY COPIES:

REGION 08

OSWER/GUIMOND  
CLA/QUINN

ASSIGNED : SOLID WASTE & EMERG RESP

INSTRUCTIONS: MUST BE RETURNED TO RM. 227-G WSWM, FOR REVIEW AND  
DISPATCHING. INCLUDE "HARD" COPY OF REPLY FOR CONGRESSIONAL  
FILES (AL).

Thx Rtn.  
D. Shanne

IMS: EBM

92 AUG 12 PM 2:01  
EPA, REGION VIII  
HAZARDOUS WASTE  
MANAGEMENT DIVISION

92 AUG 13 PM 2:59  
EPA, REGION VIII  
SUPERFUND BRANCH

WAYNE OWENS  
UTAH - 2nd DISTRICT

COMMITTEES:  
FOREIGN AFFAIRS  
INTERIOR AND  
INSULAR AFFAIRS

SELECT COMMITTEES:  
AGING  
INTELLIGENCE

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

August 4, 1992

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Richard Guimond  
Deputy Assistant Administrator  
U.S. Environmental Protection Agency  
401 M Street, SW  
Washington, DC 20460

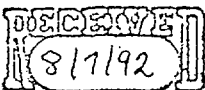
Dear Mr. Guimond:

I am writing concerning our meeting scheduled for September 15 to discuss EPA's proposal to list the Richardson Flat Tailings Site on the National Priorities List.

At the outset, I would like to express my continuing concern over the EPA's actions in connection with the Richardson Flat Site. It has recently come to my attention that monitoring wells installed at the site by EPA's contractor were improperly constructed and completed and have caused potential contamination of local groundwater. This is only the latest in long series of troubling developments with regard to this site dating back to 1988 when the EPA originally proposed to include Richardson Flat on the National Priorities List (NPL). What prompted my initial concern back in 1988 and what prompts my concern now is what I see as procedural and substantive irregularities in EPA's actions concerning the Richardson Flat site. It is my intention to have a full airing of these issues during our meeting.

At the same time, I recognize that matters pending before federal agencies may be subject to ex parte provisions of the Administrative Procedures Act (APA). I fully expect that our meeting would be conducted consistent with these provisions and other applicable laws, just as any other communications between EPA and me or my staff. Accordingly, I am seeking confirmation that EPA's proposal to list the Richardson Flats site on the NPL would not be a matter subject to the APA's ex parte provisions. It is my understanding that these provisions would not apply to this matter, but I would appreciate your confirming this to avoid any possible misunderstanding.

Finally, I would like to expand the agenda for our September 15 meeting in order raise certain concerns regarding the Sharon Steel/Midvale Tailings Site. Specifically, I want to discuss EPA's selection of capping as the preferred remedy for this site and to clarify the status of an interest bearing account which results



from settlement of litigation at the site. Your availability to discuss these additional matters on September 15 would be greatly appreciated.

Please advise me whether you are available to discuss these additional issues during our September 15 meeting as well as EPA's view of the applicability, if any, of the ex parte provisions of the Administrative Procedures Act to our discussions concerning the Richardson Flat and Sharon Steel sites during that meeting. If possible, I would appreciate your response by the end of this month.

Thank you in advance for your prompt response, and I look forward to our meeting on September 15.

Cordially,

A handwritten signature in cursive script, appearing to read "Wayne Owens", written in dark ink.

Wayne Owens